

## REMARKS

### Claim Rejections

#### 35 UC § 103

Claims 1-5 and 14 were rejected under 35 USC 103 as being obvious over Jones in view of Suzuki. Claim 6 and its dependency, claim 7, were deemed allowable if rewritten to include the limitations of claims upon which they are dependent.

This response cancels claim 7, and places the limitations of claim 7 into claim 1. Claim 1 and claims 2-6 and 14 by virtue of their dependency on claim 1, should all be allowable.

#### 35 USC § 112

The examiner pointed out that claim 4 has no antecedent basis for "hinge". The claim is amended herein to include the antecedent basis.

#### No New Matter

Claim 4 is amended to specify that the utensil is made from plastic as opposed to paper. The use of plastic is set forth throughout the specification, and was previously recited in claim 2. The amendments herein do not introduce any new matter.

Inventor: Earl Votolato  
Serial No.: 10/047059  
Docket No. 019502.0015US1

Art Unit: 3765  
Examiner: Rodney Lindsey

### REQUEST FOR ALLOWANCE

Claims 1-6 and 14 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,  
Rutan & Tucker, LLP

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By: \_\_\_\_\_



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